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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 937-A

12 **PAUL CONSTANTINE ORPHAN**
1777 Havencrest Drive
13 **Reno, Nevada 89523**

A C C U S A T I O N

14 **Civil Engineer License No. C35231**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
21 Department of Consumer Affairs.

22 2. On or about August 18, 1982, the Board for Professional Engineers and Land
23 Surveyors issued Civil Engineer License Number C 35231 to Paul Constantine Orphan
24 (Respondent). The Civil Engineer License expired on September 30, 2009, and has not been
25 renewed.

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JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws.

All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

"(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

"(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice."

5. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Conviction of Substantially Related Crime)

3 7. Respondent is subject to disciplinary action under section 6775, subsection (a), in that
4 on or about October 14, 2008, in the State of Nevada, County of Washoe, in Case No. CR08-
5 1352, entitled *State of Nevada vs. Paul Constantine Orphan*, Respondent was convicted on his
6 pleas of guilty to five felony counts of the crime of Grand Theft. The circumstances of the crime
7 are that while working as a Professional Civil Engineer and employed by the Department of
8 Water Resources of Washoe County in Nevada, Respondent stole a significant amount of money
9 from his employer. More specifically, on one or more occasions, purportedly acting in his
10 capacity as an engineer with the Washoe County Water Resources Division, Respondent sought
11 or authorized the issuance of checks, drawn on a Washoe County account and made payable to
12 various entities, purportedly to pay for well capacity rights or other water rights, and once the
13 checks were issued, diverted the funds to himself. As part of his sentencing, Respondent was
14 ordered to serve: a minimum term of 48 months to a maximum term of 120 months on Count I; a
15 minimum term of 48 months to a maximum term of 120 months on each of Counts II and III, to
16 run consecutively to the sentence imposed on Count I; a minimum term of 48 months to a
17 maximum term of 120 months in Nevada State Prison on each of Counts IV and V, to run
18 concurrently with the sentences imposed in Counts I, II, and III. In addition, Respondent was
19 ordered to pay restitution in the amount of \$2,214,215.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Out of State Discipline)

22 8. Respondent is subject to disciplinary action under section 141 in that on or about
23 February 2, 2009, in the matter entitled *Stipulated Agreement of Paul C. Orphan, a Professional*
24 *Civil Engineer, License No. CE 006402*, Respondent entered into a stipulated agreement with the
25 Nevada State Board of Professional Engineers and Land Surveyors in which Respondent's license
26 as a Professional Civil Engineer was revoked, effective February 12, 2009. The disciplinary
27 action was based upon Respondent's criminal conviction, as more fully set forth above in
28 paragraph 7.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Deceit in the Practice of Professional Engineering)

3 9. Respondent is subject to disciplinary action under section 6775, subsection (b), in that
4 while employed by and working as a Professional Engineer for the Department of Water
5 Resources for the County of Washoe in Nevada, Respondent engaged in acts of deceit,
6 misrepresentation and/or fraud, as more fully set forth above in paragraph 7.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
10 decision:

- 11 1. Revoking or suspending Civil Engineer License Number C 35231, issued to Paul
12 Constantine Orphan;
- 13 2. Ordering Paul Constantine Orphan to pay the Board for Professional Engineers and
14 Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
15 Business and Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17
18

19 DATED: 5/5/10

Original Signed

20 **DAVID E. BROWN**
21 Executive Officer
22 Board for Professional Engineers and Land Surveyors
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

26 SA2010100904
27 accusation.rtf
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